THE
Dan Smoot Report

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DAN SMOOT

Communism And The Courts Have Wrecked The Schools

The so-called civil rights movement was spawned by communists, and has been led by individuals closely linked with communism, like the late Martin Luther King. The civil rights movement caused the drive for forced racial integration in public schools. Forced racial integration, in turn, is one of the primary causes of violence and turmoil in the schools.

Communist subversion is also responsible, in a more direct way, for much of the disruption in public schools.

In February, 1969, B. Frank Brown, director of international services for I.D.E.A. (an affiliate of the Charles F. Kettering Foundation) said:

"The current wave of organized high school revolt has its origin in a position paper prepared by a Los Angeles high school student for the Students for a Democratic Society [SDS] in 1965. This paper was circulated in mimeographed form for a couple of years, and published for wider distribution by the SDS in 1967.

"The purpose of the position paper was to inform high school students on the best techniques for taking over a high school."(1)

SDS asserts that its goal is "the destruction of United States imperialism, and the achievement of a classless world: world communism."(2)

The SDS drive for destruction was launched in the colleges; but in recent years, SDS has shifted its attention to public high schools.

Here is an extract from the pamphlet which SDS distributed in high schools, explaining its program of activating students for communist revolution:

"Even acts like the starting of trash can fires and the pulling of fire alarms are actually forms of protest directed at the school as it is now constituted. Not only the militant defense of hair

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and clothing styles against administrative attack, but the adoption of such styles themselves, as a part of the hippy culture on the high school campus, indicates a general disgust with the values and attitudes that our generation has been force-fed."[2]

The SDS strives to radicalize high school students by first corrupting them; and one of its primary tools for corrupting is the underground newspaper. In August, 1969, government officials estimated there were 500 underground papers being published in junior and senior high schools. Within two months after the 1969-1970 school year began, the estimated number of underground papers in secondary schools had increased to 1000.[1]

The underground newspapers — whether published and distributed by the national SDS organization, or by local students — are, without exception, disgusting rags. They contain nothing of literary, moral, social, political, artistic, scientific, cultural, spiritual, educational, or ethical value. Their purpose is to inculcate in students contempt for all values and standards. To that end, they are filled with crude obscenities, semiliterate diatribes against decency, incitations to violence, excitations of race hatred — and, of course, communist propaganda.

Protecting high school students against underground newspapers would be relatively easy, if it were not for the federal courts. In practically all cases, distributors of underground newspapers (whether students or non-students) could be prosecuted under local or state laws against pornography. But federal courts have illegally assumed power to overturn — or render meaningless — state laws intended to protect the public against pornographers and other moral deviates. Consider, in this connection, a recent case in Dallas.

Alvin Leon Buchanan was convicted in a state district court for violating a Texas law against sodomy. A three-judge federal court overturned the conviction, declaring the Texas law unconstitutional. On February 5, 1970, state district Judge Ed Gossett refused to free Buchanan. Sentencing the man to five years in prison, Judge Gossett said:

"This court is not going to release a confessed and convicted homosexual until and unless compelled to do so. The opinion [of the federal court] should be reversed or at least modified or restricted to save society from the flood of perverts which the said opinion would turn loose upon us.

"The federal court intimates that sodomy and homosexuality should not be a crime. Whether sodomy and homosexuality be a crime or a disease, the confessed practitioners thereof should be isolated from the society upon which they prey.

"Liberal decisions of the federal courts are aiding and abetting the crime wave from which we suffer.

"Law-abiding citizens must hang their heads in shame when they consider that the City of Washington, where all the courts are federal, is the most crime-ridden city in the world."[3]

Judge Gossett predicted that the $1 billion the federal government plans to spend in a nationwide campaign against crime "will be largely wasted if the federal courts continue to stymie state law enforcement."[3]

High school principals could, and should, protect their schools against SDS subversion by expelling students who take any part in any SDS activity, including the distribution of underground newspapers among other students, and the adoption "of hair and clothing styles . . . as a part of the hippy culture on the high school campus." But this means of protecting students against communist subversion has also been weakened, if not destroyed, by illicit federal-court intervention. In this connection, consider two recent cases: one in Houston and one in Chicago.

In the Houston case: two students were expelled from a public high school for publishing (and distributing among other students) an underground newspaper. On their behalf, the American Civil Liberties Union brought suit in federal

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court. On November 19, 1969, federal Judge Woodrow Seals decided that the principal had violated the students' rights as citizens.

Judge Seals reasoned that the two students had been severely punished for violating a non-existent school regulation, because the principal had not previously issued a specific regulation prohibiting underground newspapers. The same reasoning would prohibit a principal from expelling a student for committing rape and murder, since such crimes are not generally forbidden by school regulations.

Judge Seals went further. He said that if specific school rules against a certain act do exist, "students . . . accused of breaking the rules must have formal hearings before severe punishment can be imposed."(4)

Federal courts do not have valid authority to intervene, as Judge Seals did, in the operation of public schools. Attending a public school is a privilege. Whatever "rights" a student may have to be in a public school are granted by state or local governments, and not by the U. S. Constitution or by federal laws.

If a student claims he was expelled unfairly or for insufficient reasons, he can seek relief from the school superintendent, the school board, or, as a last resort, in a state court. While seeking relief, he is out of school; and the school is protected from him if it turns out that he is the kind of person whose presence in school is harmful to others.

But to prohibit expulsion of a student from school until after formal hearings is to give well-financed revolutionary forces amplified opportunity to prey upon our youth and, through them, the whole of our society.

Thousands of revolutionary lawyers are financed by the federal government (through the poverty war), and by such disruptive, tax-exempt organizations as the American Civil Liberties Union (ACLU), the National Council of Churches (NCC), the Southern Christian Leadership Conference (SCLC), the National Association for the Advancement of Colored People (NAACP), and many other groups. The primary purpose of these lawyers is to bring "class action" lawsuits intended to cause revolution in the United States.

Even if they do not win the lawsuits, the revolutionary lawyers can keep defendants harassed, stalemated, and burdened with expense for many months — by prolonging and continuing hearings, trials, and so on.

It is, therefore, easy to see what Judge Seals' illegal decision can lead to. A public school student may be a narcotics-pusher, peddler of pornography, race agitator, inciter of violence, communist propagandist, thief, robber, rapist, vandal, hoodlum who assaults or victimizes other students, or plain rowdy who upsets normal school activities. The safety of the entire school requires that he be expelled immediately, regardless of what may happen to him later in a court of law. Under Judge Seals' rule, however, a disruptive or dangerous individual cannot be expelled from school until *after* "formal hearings" — which a revolutionary lawyer can stretch into months.

In the Chicago case: James Charles, 17, was expelled from a public high school in McHenry County, Illinois, for wearing his hair so long that he violated the school code concerning dress and personal appearance of students. On Charles' behalf, the American Civil Liberties Union brought suit in federal court. On December 31, 1969, federal Judge James B. Parsons, Chicago, ruled that "school dress codes are out, all of them," saying:

"James Charles should not be the victim of intimidation . . . or condemnation . . . because of a school dress code . . . or because he deviated from that code."(5)

Federal courts have made it impossible for public school authorities to protect schools against communist subversion and violence.

Congress could correct this condition in one day.

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Supreme Court decisions dating back to 1796 affirm that Congress has constitutional power to abolish all lower federal courts and to limit or abolish the appellate jurisdiction of the Supreme Court.[6] In 1873, the Supreme Court affirmed that federal courts do not have authority to review acts of state legislatures or decisions of state courts, saying that the federal Supreme Court cannot constitutionally act as "censor upon all legislation of the States . . . to nullify such as it did not approve."[7]

Consequently, Congress could save the public schools by prohibiting federal courts from taking any case involving schools (whether the controversy concerns racial integration, school regulations, student demonstrations, or anything else).

Congress, controlled by totalitarian liberals, will not do that. So, public schools are doomed as worthwhile institutions of training and education. They are becoming indoctrination centers and staging grounds for communist revolution.

Hence, the *people* should abolish public schools: (1) by voting against school taxes; (2) by building a complete system of private schools; and (3) by electing to Congress constitutionalists who will so reduce federal taxation that the people can keep enough of their own money to educate their children and otherwise provide for themselves and families.

NEXT WEEK: More on the subject of government schools versus private schools.

THE FOURTH REICH

For dramatic proof that much of the violence in schools is planned by communists, listen to *The Fourth Reich*, a 40-minute LP record which gives excerpts from speeches by officials of the Black Panther Party, the Communist Party, the SDS, and other major revolutionary groups in America.

The speeches were made at the Black Panther's National Revolutionary Conference held in Oakland Auditorium, July 18-20, 1969. The Panthers vowed to take the lead in forming an "American National Liberation Front." It was an open declaration of war against American society, a manifesto for the violent conquest of the U. S.

The record is called *The Fourth Reich* because of the striking similarity between American communist revolutionaries of today and German nazi stormtroopers of the 1930's — similarity in slogans, manner, actions, and aims.

The Fourth Reich will make your blood run cold; but it will also show you why there is violent chaos on the campuses of our schools and colleges and in the streets of our cities. More importantly, it will enable you to show your friends what is happening and why. This record can help you immensely in the job of reaching and arousing others.

Order from *The Dan Smoot Report.* Price: $5.00.

FOOTNOTES

(1) John Herbers, New York Times News Service, Nov. 6, 1969
(2) *SDS Plans For America's High Schools*, U. S. House of Representatives Committee on Internal Security, Dec. 12, 1969
(3) *Dallas Morning News*, Feb. 6, 1970, p. D1
(4) AP, Nov. 19, 1969
(5) UPI, Jan. 1, 1970
(6) *The Constitution of the United States of America: Analysis and Interpretation; Annotations of Cases Decided by the Supreme Court of the United States to June 30, 1952*, prepared by the Legislative Reference Service, Library of Congress, 1953, pp. 749-51, hereafter cited as Senate Document No. 170; Dan Smoot Report Bound Volume for 1964, pp. 65-72.
(7) Senate Document No. 170, pp. 965-6; Dan Smoot Report Bound Volume for 1964, pp. 65-72.

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